

Remarks

This Amendment and Response is in reply to the Office Action dated February 4, 2004. A three-month petition of time is enclosed herewith. Therefore, the time period for response extends up to and includes August 4, 2004. Reconsideration is requested in view of the above amendments and the following remarks.

Applicant has amended claims 1-9, 11, 15, 16, and 18 above and has added new claims 22 - 26. No new matter has been entered. The substantive amendments to claims 1, 8, 9, and 16 are fully supported by the specification, drawings, and claims as originally filed (e.g., see page 6, lines 1 - 20 and Figs. 3 and 5). New claims 22 - 26 are supported, for example, at page 6 and Figs. 1, 3 and 5.

Claim Objections and §112 Rejections

At paragraph 2 of the subject Action, the Examiner objected to the Australian spelling of "stabilization" in claims 1 - 18 and indicated that the term --system-- should read device in claim 11. Applicant has amended the claims to correct these informalities above. Therefore, Applicant respectfully traverses the Examiner's objection and requests reconsideration and withdrawal of the same.

At paragraph 3 of the subject Action, the Examiner rejected claim 15 under §112 (second paragraph) as being indefinite. More specifically, a redundant limitation was inadvertently recited in that claim. Applicant has amended claim 15 above to remove the limitation. Therefore, Applicant respectfully traverses the Examiner's rejection and requests reconsideration and withdrawal of the same.

Applicant notes that the amendments discussed in this section were not made to overcome an art based rejection. Therefore, such amendments should not be construed in a limiting manner.

§102 Rejections

At paragraph 6 of the Action, the Examiner rejected claims 1-18 under §102(b) as being anticipated by Foster et al. (US 5,290,127). Applicant respectfully traverses this rejection based on the amendments to claims 1, 8, 9, and 18 above and the following remarks.

First, Foster et al. merely provides a sub-sea conduit support apparatus having a plurality of leg members selectively moveable to position the support relative to the contour of the seabed.

While the apparatus includes restraint faces that define a gap, such faces do not permit lateral movement within the restraints as recited in Applicant's claims 1, 8, 9, and 18 ("each face providing for lateral movement of the elongate structure within the restraint").

Second, Foster et al. (and/or the other art of record) does not disclose or teach restraint faces which permit lateral movement, during which movement the restraints control the curvature of the elongate structure. By allowing this movement, the present invention addresses and overcomes the problems of submarine elongate structure instability through exposure to environmental influences such as hydrodynamic loads arising from underground currents and distributes the loads experienced by the structure.

Third, Applicant's claim 16 recites that, "each restraint face being of a configuration for limiting curvature of the elongate structure." This feature is not disclosed or taught by Foster et al.

Fourth, claims 2-7 depend from claim 1; claims 10 - 14 depend from claim 9; claim 15 depends from claim 8; and claim 17 depends from claim 16. Each of the dependent claims necessarily include the limitations of the respective base claim from which it depends. Accordingly, such dependent claims are also believed to be in condition for allowance. Applicant does not otherwise concede the correctness of this rejection and reserves the right to make additional arguments as may be necessary.

In view of the foregoing, Applicant respectfully requests the Examiner's reconsideration and withdrawal of this rejection.

At paragraph 8 of the Action, the Examiner rejected claims 9-11 under §102(e) as being anticipated by Broeder et al. (US 6,004,071). Applicant respectfully traverses this rejection based on the amendment to claim 9 above and the following remarks.

First, the chain mechanism shown in Figs. 3 - 6 of Broeder et al. including pipe grippers 47 and 48 does not disclose or teach providing lateral movement to control curvature of the elongate structure as recited in Applicant's claim 9 ("each restraint face providing for lateral movement of the elongate structure within the restraint"). Accordingly, Broeder et al. does not disclose Applicant's recited invention

Second, claims 10 and 11 depend on claim 9 and include the limitations of that claim. Accordingly, such claims are also believed to be in condition for allowance. Applicant does not otherwise concede the correctness of this rejection and reserves the right to make additional arguments as may be necessary.

In view of the foregoing, Applicant respectfully requests the Examiner's reconsideration and withdrawal of this rejection.

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Conclusion

As all issues raised by the Examiner have now been addressed, Applicant respectfully requests that a Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at (612) 336-4755.

Respectfully submitted,

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Dated: 4 August 2004

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